

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CLIFFORD FARTHING,

Plaintiff,

-vs-

KENNETH RYAN, et al.,

Defendants.

CASE NO. 07-CV-13225

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

STEVEN D. PEPE
UNITED STATES MAGISTRATE JUDGE

ORDER

**(1) CONSTRUING THE MAGISTRATE JUDGE'S APRIL 14, 2008 ORDER AS A REPORT
& RECOMMENDATION; (2) ADOPTING THE REPORT & RECOMMENDATION; AND
(3) GRANTING PLAINTIFF'S MOTION FOR RELIEF FROM JUDGMENT**

Before the Court is the Magistrate Judge's April 14, 2008 Report and Recommendation granting Plaintiff's February 22, 2008 Motion for Relief from Judgment. The Court construes the Magistrate Judge's Order as an R&R. Neither party has filed timely objections under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d). Having reviewed the Magistrate Judge's conclusions of fact and discussion of law, the Court hereby:

- (1) **ADOPTS** the Magistrate Judge's Report & Recommendation (Doc. No. 9); and
- (2) **GRANTS** Plaintiff's Motion for Relief from Judgment (Doc. No. 7).

This Order reopens the instant case.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: May 14, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on
May 14, 2008.

s/Denise Goodine

Case Manager

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